THE BACK TAX ACT.*

Sec. 7204. [As amended, with the words added by the second amendment in italics and those omitted from the original section in brackets, reads as follows]:

(Sec. 1.) Where the Attorney General is satisfied from his own investigations, or it is made to appear to him by the statement in writing of any reputable taxpayer of the State, that in consequence of the failure from any cause to assess and levy taxes, or because of any pretended assessment and levy of taxes upon any basis of valuation other than the true value in money of any property hereinafter mentioned *or because of any inadequate or insufficient valuation or assessment of such property, or undervaluation thereof,* or from any other cause, that there are overdue and unpaid taxes owing to the State, or any county or municipal corporation, or road district, or school district, by any corporation [or] upon any property now in this State which belonged to any corporation at the time such taxes should have been properly assessed and paid, that it shall become his duty to at once institute a suit or suits in chancery in the name of the State of Arkansas, for the collection of the same in any county in which the corporation owing such taxes may be found, or in any county in which any part of such property as may have escaped the payment in whole or in part of the taxes as aforesaid may

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*Act March 1, 1887, as amended by Act 354 of May 20, 1911 (Acts 1911, p. 324), and by Act 169, of March 12, 1913 (Acts 1913, p. 724). Construed, in State ex rel. Norwood, Attorney General v. Kansas City & Memphis Ry. & Bridge Co., 106 Ark., 248; s. c. 153 S. W., 614; and in State ex rel. Moose, Attorney General v. K. C. & Memphis Ry. & Bridge Co., 117 Ark., 606; s. c., 174 S. W., 248.

be situated, in which suit or suits the corporation owing such taxes, or any corporation [or person] claiming an interest in any such property as may have escaped taxation as aforesaid, shall be made a party defendant, and the Governor is authorized to employ any attorneys that may be necessary to assist the Attorney General in such suits. *Provided, that this Act shall be construed as retrospective as well as prospective in operation.*

(Sec. 2.) That in all cases where the Governor has appointed or may hereafter appoint special counsel under Section 1 of this Act to assist the Attorney General in the collection of overdue taxes from corporations, such special counsel shall receive a reasonable compensation for his services, dependent upon recovery, and to be fixed by the chancery court trying said cause; but, in no case shall such counsel receive more than twenty per cent of the amount recovered.

Sec. 7205. If the Attorney-General shall certify on the complaint to be filed in said suit that he cannot find any one in the State upon whom service can be had so as to bind said corporation according to existing laws, the clerk shall enter a warning order against said corporation, requiring the defendant to appear in said cause on the first day of the next term of the court to answer said complaint, which warning order shall be published and proved as other warning orders are required to be published and proved by law, and with the like effect.

Sec. 7206. Said complaint shall describe as nearly as may be the property on which said taxes have accrued, and the State, counties, school districts and municipal corporations aforesaid shall have a lien on said property from passage of this Act, for the payment of said overdue taxes, to be enforced by suit as herein provided.

Sec. 7207. [1] On a final hearing the court shall determine the amount of said State, county, school district and municipal taxes, and the penalties and costs due on the same, if any, and to whom said taxes are payable, and shall decree payment thereof accordingly, and where for any reason the property on which said taxes may have accrued shall not have been assessed, the court shall refer the matter of such assessment to the assessor of the county in which said property may lie, who shall make his assessment for any past year or years mentioned in the order of reference, and shall return the same into court.

[2] And in case the property shall belong, or have belonged to any delinquent railroad company, the court shall in like manner refer the assessment of said property to the proper officer or board of officers or commissioners, whose duty it shall be, at the time of the making of said reference, to assess property of like kind, and they shall report their assessment to the court, and the court shall have power to hear testimony and to change said assessment as justice and equity may require.

Sec. 7208. [1] On such final hearing the court shall render a decree declaring and enforcing said lien for taxes, by sale of the property to which said taxes may have attached.

[2] In the case of a railroad, the lien shall be decreed against the whole line of the road, including the main line and side tracks, switches, turnouts, improvements, stations, structures, right-of-way, embankments, tunnels, cuts, ties, trestles and bridges, and all lands in the State belonging to such corporations.

[3] The court shall decree the said taxes shall be paid within three months after rendering

said decree, and that in default thereof said defendant shall pay a penalty of ten per centum on the amount of said taxes.

Sec. 7209. The sale of any property under said decree shall be made in the same manner as other sales are made under other decrees foreclosing liens in chancery, and with like effect, and the court shall distribute any fund accruing under this Act among the State, counties and municipal corporations and school districts entitled thereto by law.

Sec. 7210. All parties having any interest in any property sold under this Act, may redeem the same at any time within one year from the date of said sale, by paying into court the amount of said decree and penalty on the same at the rate of twenty-five per centum per annum.

Sec. 7211. In case no such redemption is made, the court shall cause a deed to be executed to said purchaser, conveying said property to him absolutely, and said deed shall have the same force and effect that are given by law to other deeds for property sold under decree in chancery.

Sec. 7212. Suits brought under this Act shall have precedence of all other suits in the courts in which they may be pending, and shall be disposed of without unnecessary delay, and no appeal from any decree rendered in any suit brought under this Act shall be taken after thirty days from the date of such decree.

Sec. 7213. The decree rendered in said suit shall be for all taxes due the State, and to the counties, cities and other political subdivisions of the State, and shall not be confined to the taxes due in the county in which the suit is brought.